

# EXHIBIT A

Melody Stoops  
P.O. Box 42815  
Flinton, PA 16640,

Plaintiff

v.

Credit One Bank, N.A.  
585 Pilot Road  
Las Vegas, NV 89119,

Defendant

IN THE CAMBRIA COUNTY  
COURT OF COMMON PLEAS

Civil Action

No. 2015-1570

Jury Trial Demanded

TYPE OF DOCUMENT: Complaint

Counsel of Record for Plaintiff:  
Brett Freeman  
216 N. Blakely St.  
Dunmore, PA 18512  
(570) 341-9000  
Attorney ID 308834

PROTHONOTARY  
CAMBRIA COUNTY, PA

15 APR 15 AMI: 18

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### NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by plaintiff(s). You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Laurel Legal Services, Inc.  
225-227 Franklin Street--Suite 400  
Franklin Center  
Johnstown, PA 15901  
Telephone: (814) 536-8917  
Fax: (814) 535-3377

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## COMPLAINT

### I. INTRODUCTION

1. This is an action for damages brought by an individual consumer for violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227 (hereinafter “the Act”). Defendant made multiple calls to Plaintiff on telephone numbers assigned to a cellular telephone service using equipment regulated by the Act.

### II. JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 47 U.S.C. § 227(b)(3), which permits an action for a violation of the Act to be brought in an appropriate state court.

3. Venue in this Court is proper in that Plaintiff resides here, the conduct complained of occurred here, and Defendant transacts business here.

### III. PARTIES

4. Plaintiff is a natural person residing at P.O. Box 42815, Clinton, PA 16640.

5. Defendant, Credit One Bank, N.A., is a bank with a place of business located at 585 Pilot Road, Las Vegas, NV 89119. At all relevant times, Defendant placed calls to individuals in this state.

IV. STATEMENT OF CLAIM

6. Plaintiff is, and at all relevant times was, a “person” as defined by 47 U.S.C. § 153(39).

7. Defendant is, and at all relevant times was, a “person” as defined by 47 U.S.C. § 153(39).

8. Plaintiff has four cellular telephone numbers that she has had at all relevant times. The last four digits of these phone numbers are 3659, 4696, 7854, and 8469. Plaintiff has only used these numbers as cellular telephone numbers, and does not believe that they were ever ported from a wireline service.

9. At all relevant times, each phone number has been assigned to a cellular telephone service.

*Count I- Violation of the Act*

10. The foregoing paragraphs are incorporated herein by reference.

11. Defendant caused to be made an unknown number of calls to Plaintiff's cell phone numbers.

12. The calls made to Plaintiff's cell phones were made using either an automatic telephone dialing system, as that term is defined in 47 U.S.C. § 227(a)(1), or an artificial or prerecorded voice. The factual allegations in this paragraph are likely to have evidentiary support after a reasonable opportunity for further investigation and discovery.

13. These telephone calls were not made for “emergency purposes”, as defined in 47 C.F.R. § 64.1200.

14. These telephone calls were not made with the Plaintiff's prior express consent.

15. These telephone calls were placed while Plaintiff was in the United States.

16. Pursuant to 47 U.S.C. § 227(b)(3), Plaintiff is entitled to an award of \$500.00 in statutory damages for each and every call Defendant caused to be made to Plaintiff's cellular telephone numbers.

17. Plaintiff is also entitled to increased damages, as these calls were made willfully and/or knowingly. The factual allegations in this paragraph are likely to have evidentiary support after a reasonable opportunity for further investigation and discovery.

18. For each violation that was made willfully and/or knowingly, the Court may, in its discretion, increase the amount of the award to an amount equal to, but not more than, \$1,500.00 per call.

WHEREFORE, Plaintiff demands judgment against Defendant for statutory damages between \$500.00 and \$1,500.00 per call, costs, equitable relief, and such other and further relief as the Court deems just and proper.

#### V. DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury as to all issues so triable.



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Brett Freeman  
Bar Number: PA 308834  
Sabatini Law Firm, LLC  
216 N. Blakely St.  
Dunmore, PA 18512  
Attorney for Plaintiff  
Phone (570) 341-9000

**Verification of Complaint and Certification  
by Plaintiff Melody Stoops**

Plaintiff, Melody Stoops, being duly sworn according to law, deposes as follows:

1. I am the plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass the Defendant, cause unnecessary delay to the Defendant, or create a needless increase in the cost of litigation to the Defendant, named in the Complaint.
5. I have filed this civil Complaint in good faith and solely for the purposes set forth in it.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 6, 2015.

Melody Stoops

Melody Stoops, Plaintiff

SABATINI LAW FIRM, LLC

CARLO SABATINI\*

KRISTIN SABATINI

BRETT FREEMAN

216 N. Blakely St.

Dunmore, PA 18512

Phone: (570) 341-9000

Fax: (570) 504-2769

Satellite Office: Wilkes-Barre 823-9000

April 21, 2015

Credit One Bank, N.A.  
585 Pilot Road  
Las Vegas, NV 89119

Via Certified Mail Return Receipt Requested

RE: Melody Stoops v. Credit One Bank, N.A.  
Docket No. 2015-1570

Dear Sir or Madam:

Enclosed please find the complaint in the above-referenced matter. Thank you for your anticipated cooperation.

Sincerely yours,



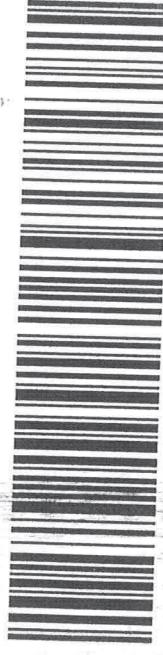
Brett Freeman

BF/

**CERTIFIED**

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